Supreme Court, U.S.
FILED
NOV 5 1991
OFFICE OF THE CLERK

No. 91-1275

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1991

OSCAR WILKERSON,

Petitioner,

V.

LAKE COUNTY INDIANA SUPERIOR COURT ET AL-

Respondent.

PETITION FOR WRIT OF CERTIORARI

Pro-Se OSCAR WILKERSON, Petitioner
2928 Cocklebur Trail
Decatur, Georgia 30034
(404) 289-0694

QUESTIONS PRESENTED FOR REVIEW

1. May I enjoy my home as a fee simple home owner under the fourteenth amendment (14th) to the Constitution of the United States Article (1)?

2. May I enjoy its value under the laws of the State of Indiana?

3. Why is there a continuing detention of my fee simple owned home with authentic documented proof of ownership presented to the judiciary?

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Verbatim
Amendment to the Constitution
Indiana Codes
Indiana Rules of Appellate Procedure
Rules of Trial Procedure
All Judicial Orders in the Cause Verbatim

In the Supreme Court of the United States

October Term. 1991

OSCAR WILKERSON,

Petitioner,

V.

SUPREME COURT OF INDIANA,

Respondent

PETITION FOR WRIT OF CERTIORARI

Pro-Se Oscar Wilkerson petitions for a writ of certiorari to review the order of the Supreme Court of Indiana dated August 22, 1991 and September 13, 1991.

The orders were not in accord with Laws of Indiana - Pursuant Indiana Code 29-1-16-9 and Indiana Code 29-1-16-10. The orders departed from the accepted and usual course of judicial proceedings supporting; such a departure by the lower court, making it necessary for an exercise of

this court's Power of Supervision. Pursuant Rule 10-(1A) of the United States Supreme Court Rules.

ORDERS AND OPINIONS BELOW

Further briefs were sent pursuant original action of the Appellate Rules of Procedure of Indiana on September 6, 1991, explaining the error made in the order of August 22, 1991, with a court document substantiating there were errors in the order. The further briefs also included the complete briefs of intervening relator Oscar Wilkerson, Petitioner for this writ of Certiorari.

In Paragraph 3 of the order dated September 13, 1991, the order verbatim - "This court will treat this recent filing as a request for rehearing or reconsideration. The request for reconsideration is denied."

This order gives my rights a treatment not a decision on merits under the statutes of Indiana. In the further brief Page 2, Paragraph 5 (relator petitioner) ask for consideration under the 14th Amendment to the Constitution of the United States. There has been no hearings. There has been no consideration on the merits by the lower court or the Supreme Court of Indiana. The action considered

appropriate by the Supreme Court of Indiana was without consideration of Indiana's Appellate Rules of Procedure. Rule 7.2 (C2) which states verbatim: "incompleteness, or inadequacy of record shall not constitute a ground for dismissal of the appeal or preclude a review on the merits. Affidavits may be filed in support of a motion hereunder, the respective parties may file briefs but oral argument will not be heard. Any Court on appeal shall have full power to compel any inferior court, board, or officer exercising judicial functions, or other persons to certify to such court a full and complete transcript of the records and proceedings of any such tribunal." The motion and affidavit was sent September 20, 1991 - Certified Mail - seven copies to Dwayne Brown, Clerk of the Supreme Court of Indiana, one copy to Superior Court Judge James Danikolas and one copy to Noah Holcomb, Jr., Lawyer.

Pursuant Rule 14 subsection (e) of the U.S. Supreme Court rules. On September 10, 1990, a court order was given diverting from this cause. (The order verbatim) "The court reviewed and considered same now denies defendant Oscar Wilkerson's motion to rule on pleadings.

There was no motion prior to September 10, 1990 in this cause by Oscar Wilkerson. A motion for intervention was mailed October 3, 1990 in Gary, Indiana to the Superior Court of Lake County Indiana.

Oscar Wilkerson

Oscar Wilkerson
Intervening Pro-Se Petitioner

JURISDICTION

The Supreme Court of Indiana would not give a decision on the merits in this case. Where real estate have been taken without due process of Law in the Lower Court. The Jurisdiction of this Court is invoked under the (14th) Fourteenth Amendment to the Constitution Section 1.

STATUTORY PROVISION INVOLVED

(A) Amendment To The Constitution of the United States Article 14 Section 1.

(B) Statutes of Indiana (B-2)
Indiana Code 29-1-18-1 (B-2)
Indiana Code 29-1-18-11 (B-2)
Indiana Code 29-1-16-1 (B2) (A-4)
Indiana Code 29-1-16-2 (B1) 6
Indiana Code 29-1-16-3 6
Indiana Code 29-1-16-9 1
Indiana Code 29-1-16-10 1

(C) Indiana Rules of Appellate Procedure
Appellate Rules of Original Action
Appellate Rule 2A
Appellate Rule 3A
Appellate Rule 7.2 (C2) (A-3)
Appellate Rule 8.3 (A2) (A-5)

(D) Indiana Rules of Trial Procedure
Trial Rule 59 (A) (B-4)(A-1)
Trial Rule 24 C (B-4)(A-1)

STATEMENT OF THE CASE

The Superior Court of Lake County Indiana neglected making a decision on the merits in this cause for several years pursuant Indiana Code 29-1-16-2. Counsel for deceased personal representative contended my fee simple

home was subject of Probate Cause No. GE84-152 without any documents proof.

That our deceased brother had vested interest. There have been no accounting for rent and valuable since September 18, 1984 when letter of administration was issued by Probate Court. Request for accounting was made August 12, 1988 pursuant Indiana Code 29-1-16-3, Item (D). Pursuant Rule (14) of the Supreme Court rules of the United States subparagraph (h) the request was made from the offset to let me enjoy my home under the (14th) Amendment to the Constitution of the United States Section (1). Because of documented proof of fee simple ownership.

REASONS FOR GRANTING WRIT

Title of Cause Verbatim.

Action to Quiet Title and for immediate possession.

The Supreme Court of the State of Indiana has jurisdiction over all courts in the State of Indiana, their judgements improprieties and negligences. For several years, the Superior Court of Lake County Indiana did not issue a decision on the merits in this cause. The Superior Court was presented authentic documents proving fee simple

ownership. There has been no authentic document to disprove my fee simple ownership. The Court is responsible for this tedious action, in which my home has been Lis-pendens for several years with all taxes paid and insurance paid when due by each grantee. Petitioner Oscar Wilkerson is present grantee. All taxes paid. The Supreme Court of Indiana in its failure to make a decision on the merits creates a reason to call for the Supreme Court of the United States Power of Supervision to enforce the Laws of the State of Indiana and the Amendment to the Constitution of the United States. Article 14, Section (1).

CONCLUSION

For the reasons stated. Petitioner respectfully request that this court grant his Writ of Certiorari.

Respectfully submitted,

Oscar Wilkerson

Oscar Wilkerson
Pro-Se Petitioner

APPENDIX A

OSCAR WILKERSON,

Petitioner,

V.

SUPREME COURT OF INDIANA,

Respondent

October Term, 1991

The Order of September 10-1990 by Lake County Superior Court of Indiana Diverted to a Non Existing Motion.

(1) The Order Verbatim -- "The Court reviewed and considered same, now denies Defendant Oscar Wilkerson's motion to rule on pleadings." There was no motion by Oscar Wilkerson prior to September 10, 1990. October 3rd 1990 a motion of intervention was mailed to the courts pursuant trial rule 24(c) of Indiana which states, (verbatim) intervention after trial or after judgement for the purposes of a motion under rules 50, 59 or 60 or an appeal may be allowed upon motion.

Motion to correct error was mailed October 4th at 8:30 a.m. Eastern Daylight Savings Time, in Decatur, Georgia pursuant trial rule 59. There was no judicial action

prior to the mailing of the motion to correct errors or any action to date. November 28, 1990 a praecipe was mailed initiating an appeal in the Supreme Court of Indiana. No judicial action.

(Action for Mandate) pursuant Indiana Code 34-1-58-1 was filed in the Superior Court of Lake County Indiana. No judicial action. Application for Writ of Mandamus pursuant Original Action (Scope of Rules) was tendered March 25, 1991 by hand delivery. Not accepted by administrator of Supreme Court of Indiana. The application was tendered May, June, July, August unchanged. In August the application was denied with a court order that contended Pro-Se Petitioner Oscar Wilkerson had requested a hearing. (That is in error.) The court order indicated also, wrong information had been given the Supreme Justices and they had acted with that wrong information. The authentic record presented with the application was adequate for a decision on the merits, or pursuant Appellate Rule 7.2 (C2). Indiana Rules of Appellate Procedure. -- Record was available to sanction justice on the merits under the Rules of Appellate Procedure. Further briefs were mailed in support

of the application September 6, 1991 showing errors in the order. Substantiation of the errors was with an authentic document from the Superior court of Lake County. September 13, 1991 a second order came from the Supreme Court of Indiana ignoring judicial proceedings pursuant Appellate Rule 7.2 subsection (C2) of Indiana. At this point, both the Superior Court of Lake County Indiana and the Supreme Court of the State of Indiana have failed to give a decision on the merits, continuing to detain my fee simple owned hom denying my civil rights under the Constitution of the United States. The order from the Supreme Court of Indiana in this cause dated August 22nd, 1991 was an order denying my petition for an alternative Writ of Mandamus. This petition was to get the records from the Superior Court of Lake County Indiana so that a decision could be made on the merits with a certified record. This duty had not bee performed by the Superior Court of Lake County Indiana pursuant Indiana Code 29-1-16-1, Indiana Code 29-1-16-2, Indiana Code 29-1-16-3, Indiana Code 29-1-16-9 and Indiana Code 29-1-16-10.

The State Court of last resort denied the Writ and did

not accept the usual course of Judicial proceedings pursuant Appellate Rule 7.2 (2c).

No decision on the merits was given by the Supreme Court of Indiana. Sanctioning such action by the Lower Court. The Supreme Court of the United States is need for Justice pursuant Rule 10-(1A) Rule of the Supreme Court of the U.S. The second order from the Supreme Court of Indiana dated September 13, 1991 - The order verbatim "This Court will treat this recent filing as a request for rehearing or reconsideration. The request for reconsideration is hereby denied."

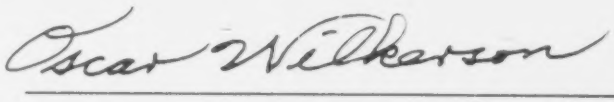
A treatment circumventing our statutes carries no decisions of Justice under the Law. The recent filing referred to above included a (further brief) on behalf of the petition for the alternative Writ of Mandamus, several documents in support of the petition and the complete brief of Intervening Pro-Se Petitioner Oscar Wilkerson with exhibits pursuant Appellate Rule 8.3 under a heading, (**Jurisdiction of the Supreme Court.**)

Because of the total involvement, (1) denied my civil rights to my fee simple owned home, (2) denied its value

under the Laws of Indiana, (3) detaining my home having no vested interest or legal support, (4) denied a judicial decision on the merits.

CONCLUSION

U.S. Supreme Courts Power of Supervision will produce a decision on the merits. Under the Laws of Indiana, and Justice under the Fourteenth Amendment to the Constitution of the United States Section (1),



Oscar Wilkerson
Pro-Se Petitioner

Title of Cause - Action to Quiet Title

and for immediate possession.

APPENDIX B

OSCAR WILKERSON,

Petitioner,

V.

SUPREME COURT OF INDIANA,

Respondent

October Term, 1991

FACTS

On March 22, 1977, Sarah Miller bought a house from HUD commonly known as 528 Ralston St., Gary, Indiana by special warranty deed Exhibit (B) in the record. After necessary stay and repair, our brother, Chester Wilkerson moved into the home with Arzola Wilkerson. chester rented the home until his death June 10, 1984. Arzola Wilkerson became personal representative by letter from the Probate Court of Lake County Indiana with Noah L. Holcomb, Jr., Counsel of Records. Exhibit (D).

After the death of our brother, Sarah Miller, owner of 528 Ralston St., Gary, Indiana 46404 contended for her home. A petition was filed for $25,000.00 in Judge Gerald Svetanoff's Court Room 4 Civil Division - Cause No. 485-938, October 15, 1985.

APPENDIX B

In November, 1985, Sarah Miller became very ill. On December 3, 1985, Sarah Miller conveyed for valuables the property known as 528 Ralston, Gary, Indiana 46406 to Pearl M. Gordon by warranty deed Exhibit (A) in the record. Noah L. Holcomb, Jr. contended the property was owned by Chester R. Wilkerson deceased. Pursuant Indiana Code 29-1-16-2 - Probate action GE84-152 should have been settled before September 10, 1985 by peremptory order. The judge did not give the order, so our lawyer withdrew from the case. On February 25, 1986, Judge Gerald Svetanoff signed a court order dismissing Civil Action Cause No. 485-938 contending that this civil action was the same as those in Probate Court namely the estate of Chester R. Wilkerson deceased Exhibit (e) in the record.

In March, April, 1986 we talked to several lawyers. All wanted large sums of money that we could not afford.

August 4, 1987, Noah L. Holcomb, Jr., counsel for the defense and resident agent processed. A quit claim deed with Attorney Wardell Hampton as guardian to Sarah Miller. The family is without knowledge of an appointment pursuant IC 29-1-18-1 and Indiana Code 29-1-18-11. This

act by these two men was an attempt to take title without due process of law, or vested interest in 528 Ralston Street, Gary, Indiana 46406 Exhibit (G). This fraudulent quit claim deed indicates three things:

(1) That the above real estate was already duly entered for taxation in the name of Pearl M. Gordon. This is stamped on the face of the fake deed by the auditor of Lake County Indiana.

(2) That Arzola Wilkerson, personal representative of decedent Chester Wilkerson moved out of the State of Indiana into the home of Fred Burton, 17201 Elm Drive, Hazel Crest, Illinois 60429. At the top of this fake deed, the request is made to mail tax bill to Arzola Wilkerson in care of Fred Burton.

(3) The act of perjury is on record - Attorney Wardell Hampton contending to be legal guardian without a written court order signed by a judge.

In early, 1988, Pearl M. Gordon, owner of the property commonly known as 528 Ralston Street, Gary, Indiana, employed attorney Rosalind G. Parr who had several meetings in Probate Court. Demanding large sums

of money. On May 25, 1988, attorney Rosalind G. Parr filed pleadings in Civil Action Cause No. 45D03-8805-CP-00760.

On February 13, 1989, a court date was docketed for September 26, 1989, attorney Rosalind G. Parr was removed as counsel by Affidavit by Pearl M. Gordon. Exhibit (EE) in the record. June 21, 1990 Pro-Se Pearl Gordon filed a motion in Civil Action Cause No. 45D03-8805 CP-00760. Title of Cause - Action to Quiet Title and for Immediate Possession. Briefs were also submitted on that day with a docket date July 30, 1990. There was no decision over the next thirty days pursuant Appellate Rule 2 (A).

On August 29, 1990 a praecipe was filed along with a petition for a decision. On September 10, 1990, a court order was mailed to my home in Georgia. I drove to Gary, Indiana to take the court order to Pearl M. Gordon, Pro-Se of this action. On October 2, 1990, Pro-Se Pearl M. Gordon tendered a motion to correct errors by hand delivery, the motion was refused by the Court Clerk.

October 3, 1990, I, petitioner Oscar Wilkerson mailed

a motion to intervene in this action. On october 4, 1990, I mailed the motion to correct errors that was refused by hand delivery on October 2, 1990. With this motion to correct errors was a motion for a decision on the merits pursuant Indiana Trial Rule 59.A(2). No errors were corrected. On November 28, 1990, a praecipe was filed initiating an appeal in the Supreme Court of Indiana. The lower court would not send the records. So action for mandate was filed. Then application for writ of mandamus. The writ of mandamus was denied. Pursuant original action Rule 5 Subsection (C) the denial of Writ of Mandamus caused a court order to be given on August 22, 1991. The court order indicated incorrect information had been given to the Supreme Justices. And the Supreme Justices had acted with that wrong information. Further briefs were filed on September 6, 1991 showing errors in the order. Substantiation of the errors was with an authentic document from the Superior Court of Lake County Indiana where the Honorable James Danikolas is judge. For several years the Superior Court of Lake County Indiana would not give a decision on the merits. Now the Supreme Court will not

sanction justice with a decision on the merits in this cause.

September 13, 1991, a second order came from the Supreme Court of Indiana ignoring Judicial proceedings. Pursuant Appellate Rule 7.2 Subsection (c2) of Indiana. At this point, both the Superior Court of Lake County Indiana and the Supreme Court of Indiana have failed to give a decision on the merits. Detaining my fee simple owned home for several years.

Pro-Se Petitioner Oscar Wilkerson

Oscar Wilkerson
2928 Cockbur Trail
Decatur, Georgia 30034
(404) 289-0694

APPENDIX B

APPENDIX C (Verbatim)

14th Amendment to Constitution Section (1)
Indiana Codes
Indiana Rules of Appellate Procedure
Rules of Trial Procedure
All Judicial Orders in the Cause Verbatim

As found in the Record. The original orders from the Supreme Court of Indiana was mailed to the Supreme Court of the United States November 1, 1991.

CONSTITUTION OF THE UNITED STATES

AMENDMENT 14 VERBATIM

CIVIL RIGHTS

SECTION 1. All person born or naturalized in the United States, and subject to the jurisdiction thereof, are Citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States. Nor shall any state deprive any person of Life, Liberty or Property without Due Process of Law. Nor deny any person within its jurisdiction the equal protection of the Law.

INDIANA CODE 29-1-16-1
VERBATIM

Liability of personal representative--Property of the estate--Property not a part of the estate--Breach of duty.--

(a) Every personal representative shall be liable for and chargeable in his accounts with all of the estate of the decedent which comes into his possession at any time, including all the income therefrom; but he shall not be accountable for any debts due to the decedent or other assets of the estate which remain uncollected without his fault. He shall not be entitled to any profit by the increase, nor be chargeable with loss by the decrease in value or destruction without his fault, of any part of the estate.

(b) Every personal representative shall be chargeable in his accounts with property not a part of the estate which comes into his hands at any time and shall be liable to the persons entitled thereto, if

(1) The property was received, under a duty imposed on him by law in the capacity of personal representative; or

(2) He was commingled such property with the assets of the estate.

(c) Every personal representative shall be liable for any loss to the estate arising from his neglect or unreasonable delay in collecting the credits or other assets of the estate or in selling, mortgaging or leasing the property of the estate; for neglect in paying over money or delivering property of the estate he shall have in his hands; for failure to close the estate within the time provided by this code; for any loss to the estate arising from his embezzlement or commingling of the assets of the estate with other property; for loss to the estate through self-dealing; for any loss to the estate arising from wrongful acts or omissions of his co-representatives which he could have prevented by the exercise of ordinary care; and for any other negligent or wilful act or nonfeasance in his administration of the estate by which loss to the estate arises. [Acts 1953, ch. 112, § 1601, p.295.]

INDIANA CODE 29-1-16-2
VERBATIM

Duty to close estate.--

Every personal representative shall close the estate as promptly as possible. Unless for good cause shown the time for filing the final account in the estate shall not exceed one [1] year from the appointment of a personal representative. [Acts 1953, ch. 112, § 1602, p. 295.]

INDIANA CODE 29-1-16-3
VERBATIM

When personal representative must account.--

Every personal representative may file in the court a verified account of his administration at any time prior to final settlement and distribution but every personal representative must file in the court a verified account of his administration.

(a) Upon filing a petition for final settlement;

(b) Upon the revocation of his letters;

(c) Upon his application to resign and before his resignation is accepted by the court;

(d) At any other time when directed by the court either of its own motion or on the application of any interested person. [Acts 1953, ch. 112, § 1603, p.295.]

INDIANA CODE 29-1-16-9
VERBATIM

Account of deceased, incompetent or out-of-state personal representative.--

(a) If the personal representative dies or becomes incompetent, his account shall be presented by his personal representative or the guardian of his estate to, and settled by, the court in which the estate of which he was personal representative is being administered and the court shall settle the account as in other cases. The personal representative of the deceased personal representative shall have no authority as such to proceed with the administration.

(b) Where the deceased or incompetent person has no personal representative or guardian, the surety upon his bond shall file such account on his behalf.

(c) Where a personal representative is without the state, and fails to account as provided in this [Provide]

Code, such account may be filed by his resident agent or by his surety or its resident agent and the court may compel the surety or its resident agent to file such account. [Acts 1953, ch.112, § 1609, p.295.]

INDIANA CODE 29-1-16-10
VERBATIM

Failure to account.--

Any person who has been ordered to account as herein provided, and who fails to comply with such order, may be attached and imprisoned in order to enforce such compliance therewith. [Acts 1953, ch. 112, § 1610, p. 295.]

INDIANA CODE 29-1-18-1
VERBATIM

Definitions and use of terms.--

When used in article 19 [29-1-18-1 -- 29-1-18-50] of this [Probate] Code, unless otherwise apparent from the context:

(a) A "guardian" is one appointed by a court to have the care and custody of the person or of the estate, or of both, of an incompetent.

(b) A "guardian ad litem" is one appointed by a court, in which particular litigation is pending, to represent a ward or an unborn person in that particular litigation.

(c) An "incompetent" is any person who is

(1) Under the age of majority,

(2) Incapable by reason of insanity, mental illness, imbecility, idiocy, senility, habitual drunkenness, excessive use of drugs, old age, infirmity, or other incapacity, of either managing his property or caring for himself or both.

(d) A "ward" is an incompetent for whom a guardian has been appointed. [Acts 1953, ch. 112, § 1901, p. 295.]

INDIANA CODE 29-1-18-11
VERBATIM

Petition for appointment of guardian.--

Any person may file a petition for the appointment of himself or some other qualified person as guardian of an incompetent. Such petition shall state:

(a) The name, age, residence, and post office address of the incompetent;

(b) The nature of his incapacity in accordance with the classification set forth in section 1901 (c) [subsection (c) of 29-1-18-1] hereof;

(c) The approximate value and description of his property, including any compensation, pension, insurance or allowance to which he may be entitled;

(d) Whether there is, in any state, a guardian for the person or estate of the incompetent;

(e) The residence and post office address of the person whom petitioner asks to be appointed guardian;

(f) The names and addresses, so far as known or can reasonably be ascertained, or the persons most closely related by blood or marriage to the incompetent;

(g) The name and address of the person or institution having the care and custody of the incompetent;

(h) The names and addresses of wards for whom any natural person whose appointment is sought is already guardian;

(i) The reasons why the appointment of a guardian is sought and the interest of the petitioner in the appointment;

(j) The name and business, address of the attorney who is to represent the guardian. [Acts 1953, ch. 112, § 1911, p. 295.]

INDIANA RULES OF APPELLATE PROCEDURE

APPELLATE RULE 2A
VERBATIM

(A) Initiation of the Appeal.

An appeal is initiated by filing with the clerk of the trial court a praecipe designating what is to be included in the record of the proceedings. The praecipe shall be filed within thirty (30) days after the entry of a final judgment or an appealable final order or, if a motion to correct error is filed, within thirty (30) days after the court's ruling on such motion, or thirty (30) days after the motion is deemed denied under Trial Rule 53.3. Unless the praecipe is filed within such time period, the right to appeal will be forfeited. A copy of such praecipe shall be served promptly on the opposing parties. When a trial court imposes a death sentence, it shall on the same day sentence is imposed, order the court reporter and clerk to begin immediate preparation of the record of proceedings.

INDIANA RULES OF APPELLATE PROCEDURE

APPELLATE RULE 3A
VERBATIM

(A) Submission.

Every appeal shall be deemed submitted and the appellate tribunal deemed to have acquired jurisdiction thereof on the date the record of the proceedings is filed with the clerk of the Supreme Court and Court of Appeals.

APPELLATE RULE 7.2 (C2)
VERBATIM

(C) Correction or Modification of the Record.

If, on appeal, any difference arises as to whether the record truly discloses what occurred in the trial court, the difference shall be submitted to and settled by the trial court and the record made to conform to the truth. If anything material to either party is omitted from the record or is misstated therein, the trial court shall

(1) either before or after the record is transmitted to the court on appeal, or

(2) upon the order of the court of appeal pursuant

to the motion of a party or on its own initiative, correct the omission or missstatement and if necessary certify and transmit a supplemental record. Incompleteness or inadequacy of the record shall not constitute a ground for dismissal of the appeal or preclude review on the merits.

Affidavits may be filed in support of a motion hereunder. The respective parties may file briefs but oral argument will not be heard. Any court on appeal shall have full power to compel any inferior court, board, or officer exercising judicial functions, or other person, to certify to such court a full and complete transcript of the records and proceedings of any such tribunal, board, officer or person, and the production of any paper, whenever it shall be necessary for the proper determination of any causes or proceeding pending before the court of appeal. The breach of any order may be punished as a contempt.

INDIANA RULES OF APPELLATE PROCEDURE

APPELLATE RULE 8.3
VERBATIM

(a) Brief of the Appellant.

The brief of Appellant shall contain under appropriate headings and in the order here indicated:

(2) When a directappeal(other than in a criminal action) is taken to the Supreme Court there shall be included under a heading entitled "Jurisdiction of the Supreme Court," a brief statement of why, in appellant's opnion, the Supreme Court has jurisdiction to hear the direct appeal.

INDIANA RULES OF TRIAL PROCEDURE TRIAL RULE 59

MOTION TO CORRECT ERRORS-WHEN MANDATORY.

VERBATIM

(b) filing of motion.

The motion to correct errors, if any, may be made by the trial court or by any party.

XIV

STATE OF INDIANA	)	IN THE SUPERIOR COURT OF LAKE
	) SS:	COUNTY, CIVIL DIVISION, ROOM IV
COUNTY OF LAKE	)	GARY, LAKE COUNTY, INDIANA

WILKERSON FAMILY)
Plaintiff)
)
Vs.) Cause No. 485-938
)
ARZOLA WILKERSON)
Defendant)

MOTION TO DISMISS

Comes now defendant by counsel and moves the court to dismiss this action pursuant to law because all of the matters alluded to in plaintiff's complaint are already the subject of Probate Case #GE84-152 in Lake Superior Court, Civil Division, Room 3.

Filed in Open Court

Nov 21 1985

CLERK LAKE SUPERIOR COURT

NOAH L. HOLCOMB, JR.
2955 W. Fifth Avenue
Gary, Indiana 46404
(219) 949-1100
Attorney for Defendant

STATE OF INDIANA)
) SS:
)

IN THE SUPERIOR COURT OF LAKE COUNTY CIVIL DIVISION, ROOM NUMBER FOUR SITTING AT GARY, INDIANA

WILKERSON FAMILY,)
)
Plaintiff)
)
Vs.) CAUSE NO. 485-938
)
ARZOLA WILKERSON,)
Defendant)

Filed in Open Court

Feb 25 1986

CLERK LAKE SUPERIOR COURT

ORDER

Comes now the Defendant, ARZOLA WILKERSON, by her attorney, NOAH HOLCOMB, JR., for hearing on the defendant's Motion to Dismiss. Defendant shows that the Plaintiff, WILKERSON FAMILY, was notified of this hearing by United States mail: Cause submitted. Arguments heard.

The Court now grants the defendant's Motion to Dismiss, since the parties and subject matter in this cause of action are the same as those found in another pending cause, namely, The Estate of Chester R. Wilkerson, Deceased, Cause No. GE84-152.

IT IS THEREFORE ORDERED by the Court that this cause of action be and the same is hereby dismissed with costs taxed against the plaintiff.

ALL OF WHICH IS ORDERED this 25th day of February, 1986.

GERALD N. SVETANOFF, JUDGE

STATE OF INDIANA	)	IN THE LAKE SUPERIOR COURT
	) SS:	CIVIL DIVISION, ROOM THREE
COUNTY OF LAKE	)	SITTING AT GARY, INDIANA.
PEARL M. GORDON,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	CAUSE NO. 45D03-8805-CP-00760
	)	
ARZOLA WILKERSON, Et al.,	)	
	)	
	)	
Defendants.	)	

ORDER OF COURT
SEPTEMBER 10, 1990

The Court reviewed and considered same, now denies Defendant Oscar Wilkerson's Motion to Rule on Pleadings.

JAMES DANIKOLAS, JUDGE

Filed in Open Court

Sep 10 1990

CLERK LAKE SUPERIOR COURT

IN THE

SUPREME COURT OF INDIANA

STATE OF INDIANA ON THE RELATION OF OSCAR WILKERSON,	)	
Relator,	)	
Vs.	)	45S00-9108-OR-652
THE LAKE COUNTY SUPERIOR COURT AND THE HONORABLE JAMES DANIKOLAS AS JUDGE THEREOF,	)	FILED AUG 22 1991 CLERK OF THE INDIANA SUPREME COURT
Respondents.	)	

ORDER
DENYING PETITION FOR ALTERNATIVE WRIT OF MANDAMUS

COMES NOW Oscar Wilkerson, Relator, pro se, and tenders his "Petition for an Alternative Writ of Mandamus." Relator attempted a quiet title action in the Respondent Court wherein he claimed certain property in Gary, Indiana belonged to him. Relator's request for a hearing on his petition to quiet title in his favor was granted with the hearing scheduled for December 12, 1990. Relator did not appear at that hearing and his action was dismissed with prejudice. No appeal was taken.

Relator requests that this Court order the trial court to return an envelope allegedly sent by Relator to the trial court. Relator further requests that this Court order the trial court to send a copy of the Record from the quiet title action to Relator. Relator apparently wishes to pursue a belated civil appeal in spite of the fact that belated appeals are not as a rule granted in civil cases. Relator claims to

have sent money to the clerk of the trial court in order to obtain documents for the purpose of filing an appeal.

At this point the case has been disposed of by the trial court and any writ to compel the trial court to disgorge trial records for purpose of appeal must be filed with the court having appellate jurisdiction of appeals of final judgments in quiet title actions.

Inasmuch as a petition for writ in aid of appellate jurisdiction is the appropriate remedy in this case, the Court now DENIES the "Petition for an Alternative Writ of Mandamus." Relator is advised that this Court, in spite of the fact that this case is not a proper original action, has attempted to review the papers presented, but that they simply do not disclose the nature of the proceedings below. The Petition itself also fails to disclose what has gone on below. Relator is advised that it is his burden or the burden of his counsel to provide an appellate court with some intelligible statement of the case, some intelligible argument, and a sufficient Record. Without doing so, Relator leaves open the possibility that any decision on the merits cannot be made since a court on appeal cannot do Relator's work for him.

If Relator has paid for Court Records, then the trial court should provide Relator with those Records. From the statements of Relator and the Record presented, it is impossible to tell what Relator has requested and paid for.

The Clerk is directed to send a copy of this order to Mr. Oscar Wilkerson, 2928 Cocklebur Trail, Decatur, Georgia 30034;

the Honorable James Danikolas, Judge, Lake Superior Court, 400 Broadway, Gary, IN 46402; Mr. Noah Holcolm, 2955 West 5th Avenue, Gary, IN 46404.

DONE IN INDIANAPOLIS, INDIANA THIS 22nd day of August, 1991.

RANDALL T. SHEPARD
Chief Justice of Indiana

All Justices concur.

IN THE

SUPREME COURT OF INDIANA

FILED
SEP 13 1991
CLERK OF THE
INDIANA SUPREME COURT

STATE OF INDIANA ON THE RELATION OF OSCAR WILKERSON,

Relator,

Vs.

45S00-9108-OR-652

THE LAKE COUNTY SUPERIOR COURT AND THE HONORABLE JAMES DANIKOLAS AS JUDGE THEREOF,

Respondents.

ORDER

COMES NOW Oscar Wilkerson, Relator, pro se, and files his "Further Briefs" in connection with the above-captioned case.

This Court finds that on August 22, 1991, an order was issued denying the Relator's request that this Court issue a writ of mandamus. In the context of an original action this Court is not in a position to decide the numerous factual questions that Relator would have this Court decide. Review of such matters are reserved for a proper appeal. It is Relator's responsibility to perfect an appeal. This Court can only suggest that Relator obtain counsel to pursue his case.

This Court will treat this recent filing as a request for rehearing or reconsideration. The request for reconsideration is hereby DENIED.

The Clerk is directed to send a copy of this order to all counsel of Record.

DONE AT INDIANAPOLIS, INDIANA this 13th day of September, 1991.

RANDALL T. SHEPARD
CHIEF JUSTICE

ALL JUSTICES CONCUR.